Commission Decision (EU) 2018/1702 of 8 November 2018 establishing the EU Ecolabel criteria for lubricants (notified under document C(2018) 7125) (Text with EEA relevance)

COMMISSION DECISION (EU) 2018/1702

of 8 November 2018

establishing the EU Ecolabel criteria for lubricants

(notified under document C(2018) 7125)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel[(1)], and in particular Article 8(2) thereof,

After consulting the European Union Eco-labelling Board,

Whereas:

(1) Under Regulation (EC) No 66/2010, the EU Ecolabel may be awarded to those products with a reduced environmental impact during their entire life cycle.

(2) Regulation (EC) No 66/2010 provides that specific EU Ecolabel criteria are to be established according to product groups.

(3) Commission Decision 2011/381/EU[(2)] established the criteria and the related assessment and verification requirements for lubricants. The period of validity of those criteria and requirements was extended to 31 December 2018 by Commission Decision (EU) 2015/877[(3)].

(4) The EU Ecolabel Fitness check (REFIT) of 30 June 2017, reviewing the implementation of Regulation (EC) No 66/2010[(4)], concluded on the need to develop a more strategic approach for the EU Ecolabel, including streamlined criteria for selecting products. In line with those conclusions, and in consultation with the EU Ecolabelling Board, it is appropriate to revise the criteria for lubricants product group, taking into consideration the current success, stakeholders' interest in the product and potential future windows of opportunity for increased uptake and market`s demand on sustainable products. The definition of the product group ‘lubricants’ should be modified to include a reference to the functionality of the product instead of its composition. This is to ensure that the definition clearly covers all relevant lubricant compositions.

(5) In order to take into account recent market developments and innovations that have taken place in the intervening period, it is appropriate to establish a new set of EU Ecolabel criteria for the product group ‘lubricants’. The aim of those criteria should

Changes to legislation: *There are currently no known outstanding effects for the Commission Decision (EU) 2018/1702. (See end of Document for details)*

be to promote products that have a limited impact on the aquatic environment, contain a limited amount of hazardous substances and performance as well as or better than a conventional lubricant available on the market. In line with the objectives of the European strategy for plastics in a circular economy[(5)], the criteria should also seek to facilitate the transition to a more circular economy by encouraging improved design and by further incentivising the demand for recycled materials.

(6) The new criteria, as well as the related assessment and verification requirements, should remain valid until 31 December 2024, taking into account the innovation cycle for that product group.

(7) For reasons of legal certainty, Decision 2011/381/EU should be repealed.

(8) A transitional period should be allowed for producers whose products have been awarded the EU Ecolabel for lubricants on the basis of the criteria set out in Decision 2011/381/EU, so that they have sufficient time to adapt their products to comply with the revised criteria and requirements. For a limited period after adoption of this Decision, producers should also be allowed to submit applications based either on the criteria established by Decision 2011/381/EU or on the revised criteria established by this Decision. Where the EU Ecolabel was awarded on the basis of the criteria established by Decision 2011/381/EU, use of it should not be permitted after 31 December 2019.

(9) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 16 of Regulation (EC) No 66/2010,

HAS ADOPTED THIS DECISION:

Article 1

The product group ‘lubricants’ shall comprise any lubricant falling within one of the following sub-groups:

(a) the Total Loss Lubricants (TLL) sub-group, which shall comprise chainsaw oils, wire rope lubricants, concrete release agents, total loss greases and other total loss lubricants;

(b) the Partial Loss Lubricants (PLL) sub-group, which shall comprise gear oils intended for the use in open gears, stern tube oils, two-stroke oils, temporary protection against corrosion and partial loss greases;

(c) the Accidental Loss Lubricants (ALL) sub-group, which shall comprise hydraulic systems, metalworking fluids, closed gear oils intended for the use in closed gears and accidental loss greases.

Article 2

For the purposes of this Decision, the following definitions shall apply:

(1) ‘lubricant’ means a product that is capable of reducing friction, adhesion, heat, wear or corrosion when applied to a surface or introduced between two surfaces in relative motion, or is capable of transmitting mechanical power. The most common ingredients are base fluids and additives;

***Changes to legislation:** There are currently no known outstanding effects for the Commission Decision (EU) 2018/1702. (See end of Document for details)*

(2) ‘base fluid’ means a lubricating fluid which flow, ageing, lubricity and anti-wear properties, as well as its properties regarding contaminant suspension, have not been improved by the inclusion of additive(s);

(3) ‘additive’ means a substance or mixture which primary functions are the improvement of one or several of the following aspects: flow, ageing, lubricity, anti-wear properties and contaminant suspension;

(4) ‘substance’ means a chemical element and its compounds in the natural state or obtained by any production process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;

(5) ‘total loss’ means that the lubricant is fully released to the environment during use;

(6) ‘partial loss’ means that the lubricant is partially released to the environment during use and the non-released part can be recovered for re-processing, recycling or disposal;

(7) ‘accidental loss’ means that the lubricant is used in a closed system and can be released to the environment only incidentally and, after use, can be recovered for re-processing, recycling or disposal;

(8) ‘chainsaw oil’ means a lubricant that is used to lubricate the bar and chain on one or more types of chainsaw;

(9) ‘wire rope lubricant’ means a lubricant that is used to lubricate wire ropes which consist of several strands of metal wire held together to form a rope;

(10) ‘concrete release agent’ means a lubricant that is used in the construction industry to prevent freshly placed concrete adhering to a surface, usually plywood, overlaid plywood, steel or aluminium;

(11) ‘grease’ means a solid or semi-solid lubricant which contains a thickener in order to thicken or modify the rheology of the base fluid;

(12) ‘gear oil’ means a lubricant made specifically for transmissions, transfer cases, and differentials in automobiles, trucks, and other machinery;

(13) ‘stern tube oil’ means a lubricant used in the stern tube of a ship;

(14) ‘two-stroke oil’ means a lubricant used in two-stroke engines;

(15) ‘temporary protection against corrosion’ means a lubricant that is applied to a metal surface as a thin film in order to prevent water and oxygen from coming into contact with the metal surface;

(16) ‘hydraulic systems’ means a lubricant by means of which power is transferred in hydraulic machinery;

(17) ‘metalworking fluid’ means a lubricant designed for metalworking processes, such as cutting and forming, and whose main functions are cooling, reducing friction, removing metal particles, and protecting the work pieces, the tool, and the machine tool from corrosion.

Changes to legislation: *There are currently no known outstanding effects for the Commission Decision (EU) 2018/1702. (See end of Document for details)*

Article 3

In order to be awarded the EU Ecolabel under Regulation (EC) No 66/2010, a lubricant shall fall within the product group 'lubricants' as defined in Article 1 of this Decision and shall comply with the criteria and related assessment and verification requirements set out in the Annex to this Decision.

Article 4

The criteria for the product group 'lubricants' and the related assessment and verification requirements shall be valid until 31 December 2024.

Article 5

For administrative purposes, the code number assigned to the product group 'lubricants' shall be '027'.

Article 6

Decision 2011/381/EU is repealed.

Article 7

1 Notwithstanding Article 6, applications for the EU Ecolabel for products falling within the product group 'lubricants' submitted before the date of adoption of this Decision shall be evaluated in accordance with the conditions laid down in Decision 2011/381/EU.

2 Applications for the EU Ecolabel for products falling within the product group 'lubricants' submitted within two months from the date of adoption of this Decision may be based either on the criteria set out in Decision 2011/381/EU or on the criteria set out in this Decision. Those applications shall be evaluated in accordance with the criteria on which they are based.

3 Where the EU Ecolabel is awarded, in accordance with the criteria set out in Decision 2011/381/EU, the EU Ecolabel may be used only until 31 December 2019.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 8 November 2018.

For the Commission

Karmenu VELLA

Member of the Commission

***Changes to legislation:** There are currently no known outstanding effects for the Commission Decision (EU) 2018/1702. (See end of Document for details)*

ANNEX

FRAMEWORKEU ECOLABEL CRITERIA
Criteria for awarding the EU Ecolabel to lubricants
CRITERIA

1. Excluded or limited substances

2. Additional aquatic toxicity requirements

3. Biodegradability and bioaccumulative potential

4. Renewable ingredients requirements

5. Packaging/container requirements

6. Minimum technical performance

7. Consumer information regarding use and disposal

8. Information appearing on the EU Ecolabel

ASSESSMENT AND VERIFICATION

(a) **Requirements**

The specific assessment and verification requirements are indicated within each criterion.

Where the applicant is required to provide the competent bodies with declarations, documentation, analyses, test reports, or other evidence to show compliance with the criteria, these may originate from the applicant and/or their supplier(s), as appropriate.

Competent bodies shall preferentially recognise attestations which are issued by bodies accredited in accordance with the relevant harmonised standard for testing and calibration laboratories (General requirements for the competence of testing and calibration laboratories (ISO/IEC 17025:2005)) or with the principles of Good Laboratory Practice (GLP); and verifications by bodies that are accredited in accordance with the relevant harmonised standard for bodies certifying products, processes and services. Accreditation shall be carried out in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council[(6)].

Where appropriate, test methods other than those indicated for each criterion may be used if the competent body assessing the application accepts their equivalence.

Where appropriate, competent bodies may require supporting documentation and may carry out independent verifications or site visits.

As a prerequisite, the product shall meet all applicable legal requirements of the country or countries in which the product is intended to be placed on the market. The applicant shall declare the product's compliance with this requirement.

The Lubricant Substance Classification list (LuSC list), available on the EU Ecolabel website[(7)], contains substances and brands that have been assessed by a competent body with regard to the relevant requirements included in this Decision and the data can be used directly in the application process.

A Letter of Compliance issued by one of the EU Ecolabel competent bodies can be used directly in the application process.

A list of all intentionally added substances and/or formed intentionally after any chemical reaction in the applied lubricant at or above the concentration of 0,010 % weight by weight in